

poses in independent districts, and creating sinking funds therefor; providing for the levy of special taxes by independent districts; providing for the election of school trustees in independent districts, and providing for the election of school trustees in independent districts and prescribing their qualifications and duties, and naming and enumerating the officers of independent districts school boards and the duties and powers thereof; providing for school houses and school supplies; fixing the scholastic age; providing for taking the school census; authorizing trustees to administer oaths; providing penalties for refusing to answer questions regarding the age of children and other penalties regarding violations of the provisions of this Act; regulating the transfer of the school fund; providing separate schools for white and for colored children and prescribing the studies to be taught therein; fixing the scholastic year and length of the school month; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder; providing for the extension of teachers' certificates; providing for the cancellation of teachers' certificates; providing for the teaching of manual training; regulating conveyances and bequests for the benefit of the public schools; prescribing who are entitled to the benefits of the public free schools; repealing certain laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GRINNAN, Chairman.

ROADS, BRIDGES AND FERRIES.

Committee Room,

Austin, Texas, Feb. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 390, a bill to be entitled "An Act creating a more efficient road law for Comanche county," * * * etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

EDUCATION.

Committee Room,

Austin, Texas, Feb. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Education, to whom was referred

Senate bill No. 235, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Lancaster, in the county of Dallas, and the State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Lancaster Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRINNAN, Chairman.

MILITARY AFFAIRS.

Committee Room,

Austin, Texas, Feb. 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Military Affairs, to whom was referred

Senate bill No. 217, a bill to be entitled "An Act to define and provide for organizing and disciplining the militia, to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called into actual service, and repeal all laws in conflict therewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CHAMBERS, Chairman.

THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Tuesday, Feb. 28, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the fol-

lowing Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Hill.
Faulk.	Paulus.
Grinnan.	Skinner.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Smith the same was dispensed with.

EXCUSED.

On motion of Senator Glasscock, Senator Faulk was excused from attendance upon the Senate for today and tomorrow, on account of business.

On motion of Senator Willacy, Senator Meachum was excused from attendance upon the Senate for last week, on account of sickness.

INVITATIONS.

The Chair had read an invitation from the students of the University of Texas to join them in the celebration of March 2nd.

Senator Glasscock had read an invitation from Dr. and Mrs. B. M. Worsham to attend a dance at the Insane Asylum next Wednesday night.

PETITIONS AND MEMORIALS.

By Senator Harper:

To the Hon. A. J. Harper, Hon. J. J. Elliott and Hon. W. T. Bartholomew, Our Representatives:

We, the undersigned citizens of Robertson county, Texas, take this method of expressing our objections to any and all bills having for their purpose the working of the short term convicts on the public roads, because, in our

opinion, same could not be profitably carried out in this county, because of the topography and soil of this county being such as to render same impracticable, and because the financial condition of our county will not justify further taxation, and said measure would result in the placing of said convicts in other counties, where conditions are more favorable, and the maintenance of said convicts in said work will greatly increase the expenses of the state government, thereby increasing the burden of taxation.

Numerously signed.

By Senator Chambers:

Ben Franklin, Texas, Jan. 30, 1905.

To Hon. Mack Chambers and Hon. C. A. Shelby:

Inasmuch as we learn that there is a petition being circulated at Cooper, in Delta county, asking to have a change made in the Sixty-second district court so as to give two terms of court instead of one and allowing them juries in said Sixty-second district, this district having only one term and no jury, now we, the undersigned, ask you to make no change, as we are a small county, not larger than Clarksville precinct, and we have three weeks of Eighth Judicial District court in January and then another term in June that is unlimited as to time to hold until all business is disposed of.

Numerously signed.

By Senator Hawkins:

Eastland, Texas, Feb. 22, 1905.

We, the undersigned, constituting the commissioners court of Eastland county, Texas, petitioning the Legislature of the State of Texas, would respectfully protest against the passage of that portion of Senate bill No. 78 to be found at lines 14 and 15, page 5, Section 11, which provides that no poll tax be assessed by tax assessors of counties, because, by the advice of our tax collector, said provision would greatly decrease the funds derived from poll tax receipts.

Numerously signed.

SIMPLE RESOLUTIONS.

By Senator Chambers:

Whereas, Hon. H. E. (Babe) Henderson, of Sulphur Springs, Texas, a prominent citizen and politician of this State, ex-Sergeant-at-Arms of the senate, and who was Special Messenger to Washington to deliver the electoral vote of Texas, was on the 25th instant called from this earth by the Angel of Death, be it

Resolved by the Twenty-ninth Senate, That we deeply regret his untimely

ly death, and extend to his bereaved family our sincere sympathy.

Babe Henderson was a man of firm convictions and always fought for what he believed to be right, and "To know him was to love him," and in the death of him Texas has lost one of her truest and noblest citizens, and

Be it further, Resolved, That a copy of these resolutions be printed in the Journal and a copy be sent to his family by the Secretary of the Senate.

The resolution was unanimously adopted by a rising vote.

BILLS AND RESOLUTIONS.

(Resolution.)

By Senator Hawkins:

Senate concurrent resolution No. 6. Be it Resolved by the Senate, the House of Representatives concurring, That we note with approval the announcement from Washington that President Roosevelt has directed a full investigation to be made into the affairs and methods of the Standard Oil Company by the Commissioner of Corporations.

2. That we heartily endorse this action of the President, and respectfully request him to direct the Commissioner of Corporations to extend his investigations to Texas, with a view of ascertaining all facts in connection with the operation of companies allied with the Standard Oil Company, or other oil companies, if any now operating in Texas.

3. That an engrossed copy of this resolution be forwarded to the President.

Pending on President's table.

(Bills.)

By Senator Smith:

Senate bill No. 244, a bill to be entitled "An Act to provide for the disposition of the corporate property and for the levy, assessment and collection of taxes to pay existing indebtedness of incorporated cities and towns which have heretofore or may hereafter abolished their corporate existence, and to repeal all laws in conflict herewith."

Read first time and referred to Judiciary Committee No. 2.

By Senator Decker:

Senate bill No. 245, a bill to be entitled "An Act to amend Article 715 of the Code of Criminal Procedure of the State of Texas, 1895, relating to the charge of the court in a criminal case."

Read first time and referred to Judiciary Committee No. 2.

By Senator Hicks (by request):

Senate bill No. 246, a bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Act of the Twenty-fifth Legislature, and Chapter 43, Acts of Twenty-sixth Legislature, and Chapter 43, Acts of the Twenty-seventh Legislature, and the Acts of the Twenty-eighth Legislature, passed at its first session, by adding thereto subdivision 62; and to authorize the formation of corporations for the purchase, improving, subdividing and selling of land to actual settlers with restrictions."

Read first time and referred to Judiciary Committee No. 1.

By Senator Hicks (by request):

Senate bill No. 247, a bill to be entitled "An Act to expedite and simplify the trial of suits involving title to land, or any interest therein, to reduce the expense of such trials, and to establish rules of pleading and evidence in such cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Hicks (by request):

Senate bill No. 248, a bill to be entitled "An Act to amend Article 4070 of the Revised Statutes of 1895, relating to the filling of vacancies in the office of County and District Surveyor in this State, and to add the emergency clause."

Read first time and referred to Judiciary Committee No. 1.

By Senator Hicks (by request):

Senate bill No. 249, a bill to be entitled "An Act to amend Articles 749a and 749b of the Revised Civil Statutes of the State of Texas, enacted in 1895, providing for the acquisition of lands by private corporations for the purpose of improving, subdividing and selling to actual settlers, with restrictions."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Holland:

Senate bill No. 250, a bill to be entitled "An Act to amend Chapter 2, Title XXXII, of the Revised Civil Statutes of 1895, by adding thereto Article 1537a, authorizing the commissioners courts of counties, under certain conditions, to appoint or employ an accountant, defining his duties, providing for his compensation, and repeal all laws in conflict therewith."

Read first time, and referred to Committee on State Affairs.

Morning call concluded.

HOUSE BILL NO. 53—PAS- SAGE OF.

The Chair laid before the Senate, on second reading and as a special order, Senate bill No. 159, and

On motion of Senator Hicks the pending order of business (Senate bill No. 159) was suspended, and the Senate took up, out of its order, House bill No. 53.

The Chair laid before the Senate, on second reading,

House bill No. 53, a bill to be entitled "An Act to amend Articles 5243i and 5243j of an act entitled 'An Act to amend Articles 5243e, 5243i, 5243j and 5243k, of Chapter 9, Title CIV, of the Revised Civil Statutes,' relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for the forfeiture of the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and to prescribe the notice to be given to said corporation previous to said forfeiture, and to provide adequate penalties for a violation of this act," passed at present session and approved April 30, 1897, same being Chapter 120 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, in relation to the amount of the annual franchise tax on domestic and foreign corporations, and the method of computing same, and the enforcement of the payment of such tax."

On motion of Senator Hicks the following committee amendment was adopted by the following vote:

Amending Section 1, Article 5243j, by adding the following after the words "Secretary of State" at the end of said section: "Provided the provisions of this act shall not apply to corporations having no capital stock, organized for the exclusive purpose of promoting the public interest of any city or town."

Yeas—22.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Willacy.

Absent.

Beaty.	Holland.
Grinnan.	Paulus.
Harbison.	Skinner.
Hill.	

Absent—Excused.

Faulk.	Terrell.
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Bill read second time and passed to a third reading.

On motion of Senator Hicks, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.	Terrell.
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The bill was read third time and passed by the following vote:

Yeas—23.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Hill.
Decker.	Paulus.
Grinnan.	Skinner.

Absent—Excused.

Faulk.	Terrell.
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Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 159—ENGROSSMENT OF.

The Chair here laid before the Senate, on second reading,

Senate bill No. 159, a bill to be entitled "An Act regulating the sale of concentrated commercial feeding stuffs, defining concentrated feeding stuffs, prohibiting the adulteration and providing for the collection of samples, the expenses of the enforcement of the law and fixing penalties for its violation."

Senator McKamy offered the following amendment:

Amend the caption to conform to the purposes of the bill by adding after the words "stuffs," in the first line: "And the materials from which they are manufactured," and substituting for the word "the," in the second line, the word "their," and adding after the word "adulteration," in the second line, the words: "Providing for their correct weighing and marking."

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend by adding Section 1, to read as follows: "Mill products hereinafter mentioned shall have the following standard of weights, viz.: Flour, one hundred and ninety-six (196) pounds per barrel, or forty-eight (48) pounds per sack; corn meal, bolted or unbolted, thirty-five (35) pounds per sack; cotton seed meal, one hundred (100) pounds per sack; cereals of any kind, whether pure, mixed or adulterated, one hundred (100) pounds per sack. Fractional barrels and sacks shall weigh in the same proportion, and these weights shall be exclusive of the barrel in which the product is packed."

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend Section 3, line 28, by substituting for the word "ends" the word "seeds."

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend Section 4, lines 2 and 3, page 2, by omitting the word "provender" and substituting the number 3 for the number 2.

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend by inserting after Section 6, a new Section 7, to read as follows:

"Any person who shall counterfeit or use a counterfeit of the tag or tags prescribed by this act, knowing the same to be counterfeited, or who shall use them a second time after the said

tags shall have been once attached shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred (\$500) dollars, one half of which fine shall be paid to the informer, which fine may be doubled or tripled at each second or third conviction, and so on progressively for subsequent convictions."

And then amend the section numbers to conform to the amended bill.

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend Section 10 by eliminating the word "or" after the word "agent," and adding after the word "dealer," the words "or buyer."

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend Section 1w by adding after the word "sawdust" the word "dirt" and in line 2u, after the word "substitute," the words "or other foreign material or substances, and in line 2i, after the word "stuff" the words "or any material or materials from which they are manufactured."

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend the whole bill by renumbering the sections and lines to properly conform to the amended bill.

The amendment was adopted.

Senator McKamy offered the following amendment:

Amend the bill by adding after the words "Section 12," line 3, page 5, so as to read as follows:

"Whereas there is now no law regulating the sale of concentrated commercial feeding stuffs, defining concentrated feeding stuffs, prohibiting their adulteration and the material from which they are manufactured, and providing for the collection of samples, the expenses of the enforcement of the law and fixing penalties for its violation, the crowded condition of the docket, the near approach of the session creates an emergency and a public demand requiring the rule providing for bills to be read on three several days to be suspended and that this bill be placed upon its third reading and final passage."

The amendment was adopted.

The bill was read second time and ordered engrossed.

HOUSE BILL NO. 56.

On motion of Senator Martin, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, House bill No. 56.

The Chair laid before the Senate, on second reading,

House bill No. 56, a bill to be entitled "An Act to amend Articles 3335, 3336 of Chapter 5 of Title LXVI of the Revised Civil Statutes of the State of Texas relating to liens on progeny of live stock kept for the purpose of standing for profit; said articles so amended as to create a preference on such progeny."

Bill read second time and passed to a third reading.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.

The bill was read third time, and passed by the following vote:

Yeas—21.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faust.	McKamy.
Glasscock.	Stafford.
Griggs.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Nays—3.

Hale.	Smith.
Meachum.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.

Terrell.

Senator Martin moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

(Senator Smith in the chair.)

SENATE BILL NO. 205—PAS-SAGE OF.

On motion of Senator Harbison, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 205.

The Chair laid before the Senate, on second reading,

Senate bill No. 205, a bill to be entitled "An Act to amend Section 92 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, as amended, and to repeal all laws or parts of laws in conflict therewith, and to declare an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Harbison the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Hill.
Decker.	Paulus.
Grinnan.	Skinner.

Absent—Excused.

Faulk.

The bill was read third time, and passed by the following vote:

Yeas—23.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Hill.
Grinnan.	Paulus.
Harper.	Skinner.

Absent—Excused.

Faulk.	Terrell.
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Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, Feb. 28, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 253, a bill to be entitled "An Act to amend Section 6 of Chapter 102 of the Acts of the regular session of the Twenty-sixth Legislature, same being an Act to promote agriculture and stock raising, and to prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another in all counties within this State not specially named as exempt from the provisions of this Act as amended by the Twenty-eighth Legislature, and to provide a penalty therefor."

With engrossed rider.

House bill No. 12, a bill to be entitled "An Act to amend Article 5243e of an Act entitled 'An Act to amend Articles 5243e, 5243i, 5243j and 52243k, of Chapter 9, Title CIV, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this Act, and

to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for the violation of this Act,' passed and enacted by the Twenty-fifth Legislature of the State of Texas, and approved April 30, 1897."

House bill No. 36, a bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink; and prescribing penalties for the violation of this act; and to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties and to fix his compensation; and to repeal all laws in conflict with the provisions of this Act."

With engrossed rider.

Respectfully,

BOB BARKER.

Chief Clerk House of Representatives.

BILLS READ AND REFERRED.

The Chair had read and referred, after their captions had been read, the following House bills:

House bill No. 36, referred to committee on State Affairs.

House bill No. 253, referred to committee on Stock and Stock Raising.

House bill No. 12, referred to committee on Insurance, Statistics and History.

((See above House message for captions.))

BILLS SIGNED.

The Chair, Lieutenant Governor Neal, gave notice of signing, and did sign in the presence of the senate, after its caption had been read.

House bill No. 53, a bill to be entitled "An Act to amend Articles 5243i and 5243j of an act entitled 'An Act to amend Articles 5243e, 5243i, 5243j and 5243k, of Chapter 9, Title CIV, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this Act, and to define and prescribe the notice to be given to said corporations previous to said forfeiture, and to provide adequate penalties for a violation of this act, passed at the present session and approved April 30, 1897,' same being Chapter 120 of the General Laws of the State of Texas, passed at the Regular Session of the

Twenty-fifth Legislature, in relation to the amounts of the annual franchise tax on domestic and foreign corporations, and the method of computing same, and the enforcement of the payment of such tax."

SENATE BILL NO. 206—PASSAGE OF.

On motion of Senator Harbison the pending order of business, House bill No. 67, was suspended, and the Senate took up, out of its order, Senate bill No. 206.

The Chair laid before the Senate on second reading,

Senate bill No. 206, a bill to be entitled "An Act to amend Section 91 of an Act entitled 'An Act to incorporate the city of Sherman in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government, and the management of its affairs,' passed by the Twenty-fourth Legislature, as amended by an act of the Twenty-seventh Legislature entitled 'An Act to amend Sections 91, 93 and 176 of an act entitled 'An Act to incorporate the city of Sherman in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature,' and to repeal all laws or parts of laws in conflict therewith, and declaring an emergency."

Bill read second time and ordered engrossed. On motion of Senator Harbison the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.

The bill was read third time and passed by the following vote:

Yeas—22.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Meachum.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Hill.
Davidson.	Paulus.
Decker.	Skinner.
Grinnan.	Stokes.

Absent—Excused.

Faulk.

Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, Feb. 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House concurrent resolution No. 10, authorizing the return to the city of Sherman, Texas, of two hundred and fifty (\$250) dollars deposited in the State treasury to secure the payment of outstanding Texas and Pacific Railway Company bonds issued by said city, dated February 12, 1874.

House concurrent resolution No. 11, appealing to the authorities of Mexico to pardon and liberate Mac Stewart.

The House concurs in Senate amendments to House bill No. 53.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 193—PASSAGE OF.

On motion of Senator Faust, the pending order of business (House bill

No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 193.

The chair laid before the Senate, on second reading,

Senate bill No. 193, a bill to be entitled "An Act to give the furnishers of feed for cattle a prior lien on said cattle to secure the payment of such feed, and to provide penalties for fraudulent disposition of cattle subject to such liens."

Senator Hawkins offered the following amendment:

Amend by striking out all after aforesaid page 1, line 18, and all of lines 19 and 20.

On motion of Senator Chambers, the amendment was tabled, by the following vote:

Yeas—17.

Barrett.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Davidson.	Meachum.
Faust.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Willacy.
Hicks.	

Nays—7.

Glasscock.	Holland.
Hale.	Stokes.
Hawkins.	Terrell.

Present—Not Voting.

Griggs.

Absent.

Beaty.	Hill.
Decker.	Paulus.
Grinnan.	Skinner.

Faulk. Absent—Excused.

Senator Glasscock offered the following amendment:

Amend by striking out the word "prior," in line 13, page 1.

On motion of Senator Faust the amendment was tabled.

Senator Hawkins offered the following amendment:

Amend by adding to Section 2 the following: "If a prior lien exists on said cattle, the lien hereby given shall only extend to the enhanced value of said cattle by said feeding."

On motion of Senator Chambers the amendment was tabled by the following vote:

Yeas—16.

Barrett.	Hicks.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Decker.	Smith.
Faust.	Stafford.
Hanger.	Stone.
Harper.	Willacy.

Nays—6.

Glasscock.	Holland.
Hale.	Stokes.
Hawkins.	Terrell.

Absent.

Beaty.	Hill.
Griggs.	Martin.
Grinnan.	Paulus.
Harbison.	Skinner.

Absent—Excused.

Faulk.

Senator Terrell moved to recommit the bill, and

Senator Faust moved to table that motion.

The motion to table was adopted.

Bill read second time and ordered engrossed by the following vote:

Yeas—19.

Barrett.	Hicks.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Decker.	Stafford.
Faust.	Stokes.
Glasscock.	Stone.
Griggs.	Terrell.
Hanger.	Willacy.
Harper.	

Nays—5.

Hale.	Martin.
Hawkins.	Smith.
Holland.	

Absent.

Beaty.	Hill.
Grinnan.	Paulus.
Harbison.	Skinner.

Absent—Excused.

Faulk.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Smith.
Glasscock.	Stafford.
Griggs.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—1.

Hale.

Absent.

Beaty.	Hill.
Grinnan.	Paulus.
Harbison.	Skinner.

Absent—Excused.

Faulk.

The bill was read third time and passed by the following vote:

Yeas—17.

Barrett.	Hicks.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Decker.	Stafford.
Faust.	Stokes.
Griggs.	Stone.
Hanger.	Terrell.
Harper.	

Nays—5.

Hale.	Martin.
Hawkins.	Smith.
Holland.	

Absent.

Beaty.	Hill.
Glasscock.	Paulus.
Grinnan.	Skinner.
Harbison.	Willacy.

Absent—Excused.

Faulk.

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 92—REFUSED
TO TAKE UP.

Senator McKamy moved that the pending order of business (House bill

No. 67) be suspended, and the Senate take up, out of its order, Senate bill No. 92.

The motion was lost by the following vote:

Yeas—14.

Barrett.	Hawkins.
Decker.	Looney.
Glasscock.	Martin.
Griggs.	McKamy.
Hale.	Smith.
Hanger.	Stafford.
Harper.	Stone.

Nays—9.

Brachfield.	Holland.
Chambers.	Meachum.
Davidson.	Stokes.
Faust.	Terrell.
Hicks.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Harbison.	Willacy.
Hill.	

Absent—Excused.

Faulk.

SIMPLE RESOLUTION.

By Senator Hicks:

Be it resolved, That 200 extra copies of Senate bill No. 215, known as the pipe line bill, be printed for use of the Senate.

The resolution was adopted.

(Lieutenant Governor Neal in the chair.)

SENATE BILL NO. 29.

On motion of Senator Chambers the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 29.

The Chair laid before the Senate, on second reading,

Senate bill No. 29, a bill to be entitled "An Act to prohibit a person or persons from taking orders or soliciting orders for whisky, beer, wine or any other intoxicating drink or drinks in a local option county of this State, and fixing a punishment therefor."

Question being on the following committee amendment:

Strike out Section 1 and add the following in lieu thereof:

Section 1. That if any person or

persons shall take or solicit orders for any intoxicating liquors in any county, justice's precinct, town, city or such subdivision of a county as may be designated by the commissioners court of said county in which the sale of intoxicating liquor has been prohibited under the laws of this State, shall be guilty of a felony, and on conviction shall be punished by confinement in the penitentiary for a term of not less than two nor more than five years.

Add Section 3 as follows:

The crowded condition of the calendar and the inadequacy of the present law of this State to enforce our local option laws, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so done, and this act shall be in force and take effect from and after its passage, and it is so enacted.

On motion of Senator Chambers the committee amendment was adopted.

Senator Chambers offered the following amendment:

Amend caption by striking out all of lines 7, 8, 9 and 10, after word "prohibit" in line 7 and insert in lieu thereof "any person or persons shall take or solicit orders for any intoxicating liquors in any county, justice precinct, town, city or such subdivision of the county, as may be designated by the commissioners court of said county in which the sale of intoxicating liquor has been prohibited under laws of this State, and affixing a penalty therefor."

The amendment was lost.

Senator Chambers offered the following amendment:

Amend caption by adding as follows, "and providing an emergency."

The amendment was adopted.

Senator Smith moved that further consideration of the bill be postponed till next Thursday week.

Pending discussion, Senator Smith withdrew his motion to postpone.

Senator Hanger offered the following amendment:

Amend the bill by striking out all in lines 7, 8, 9 and 10, page 1.

On motion of Senator Chambers the amendment was tabled by the following vote:

Yeas—16.

Barrett.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Griggs.	Meachum.
Hale.	Stafford.
Harbison.	Stokes.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—9.

Davidson.	Hicks.
Decker.	Holland.
Faust.	Smith.
Glasscock.	Stone.
Hanger.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.

Question being on the engrossment of the bill, the same was ordered engrossed by the following vote:

Yeas—14.

Barrett.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Hale.	Stafford.
Harbison.	Stokes.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—10.

Davidson.	Hicks.
Faust.	Holland.
Glasscock.	Meachum.
Griggs.	Smith.
Hanger.	Stone.

Absent.

Beaty.	Hill.
Decker.	Paulus.
Grinnan.	Skinner.

Absent—Excused.

Faulk.

REASONS FOR VOTING NO.

I vote no on the engrossment of this bill for the following reasons:

First—Under the recent decisions of Court of Criminal Appeals, it is no offense for agents representing foreign whiskey houses to solicit orders for whiskey in local option districts, to be filled out of the State.

Second—It will place this character of business under the exclusive control of foreign whiskey houses, and exclude domestic whiskey houses.

Third—It will not decrease the traffic, but result in more and meaner whiskey being shipped into these districts by outside whiskey houses.

SMITH.

SENATE BILL NO. 232—PAS-
SAGE OF

On motion of Senator Smith, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 232.

The Chair laid before the Senate, on second reading,

Senate bill No. 232, a bill to be entitled "An Act to amend Section 10, Chapter 29, of the General Laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature, relating to the compensation of the county commissioners when acting as road commissioners, and with an emergency clause."

Bill read second time and ordered engrossed.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Pau'us.
Grinnan.	Skinner.
Hill.	

Faulk. Absent—Excused.

The bill was read third time and passed by the following vote:

Yeas—24.

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Hill.
Grinnan.	Paulus.
Harbison.	Skinner.

Absent—Excused.

Faulk.

Senator Smith moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 239.

On motion of Senator Davidson, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 239.

The Chair laid before the Senate, on second reading,

Senate bill No. 239, a bill to be entitled "An Act to require railroad companies who shall accept any special law passed at this or any future session of the Legislature of the State of Texas to carry free of charge members of the Legislature, certain State officials and sheriffs."

Senator Brachfield offered the following amendment:

Amend by striking out all after the word "lines," on page 1, line 16, down to and including the word "Texas," in line 17.

(Signed)

BRACHFIELD.
MARTIN.

On motion of Senator Davidson, the amendment was tabled by the following vote:

Yeas—16.

Barrett.	Harper.
Davidson.	Hicks.
Decker.	Holland.
Faust.	McKamy.
Griggs.	Meachum.
Hale.	Stafford.
Hanger.	Stone.
Harbison.	Willacy.

Nays—9.

Brachfield.	Martin.
Chambers.	Smith.
Glasscock.	Stokes.
Hawkins.	Terrell.
Looney.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Faulk. Absent—Excused.

Senator Hawkins offered the following amendment:

Amend by adding after the word "named," line 23, the following: "This shall only apply so far as Legislators are concerned to such members as may be elected hereafter."

On motion of Senator Davidson the amendment was tabled by the following vote:

Yeas—16.

Barrett.	Harbison.
Chambers.	Harper.
Davidson.	Hicks.
Decker.	Holland.
Faust.	McKamy.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Willacy.

Nays—9.

Brachfield.	Meachum.
Glasscock.	Smith.
Hawkins.	Stokes.
Looney.	Terrell.
Martin.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.

Senator Smith offered the following amendment:

Amend Section 1 by adding thereto the following: "Provided, that members of the Legislature shall not be entitled to mileage as such, and the State Treasurer is hereby prohibited from paying any member of the Legislature any mileage for coming to and returning from the sessions of the Legislature."

Senator Decker moved the previous question on the amendment and the engrossment of the bill.

The motion being duly seconded the question was so ordered.

The amendment was lost by the following vote:

Yeas—10.

Brachfield.	Looney.
Chambers.	Martin.
Glasscock.	Smith.
Harper.	Stokes.
Hawkins.	Terrell.

Nays—15.

Barrett.	Hicks.
Davidson.	Holland.
Decker.	McKamy.
Faust.	Meachum.

Griggs.	Stafford.
Hale.	Stone.
Hanger.	Willacy.
Harbison.	

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.

The bill was read second time and was ordered engrossed by the following vote:

Yeas—15.

Barrett.	Harbison.
Chambers.	Harper.
Davidson.	Hicks.
Decker.	Holland.
Faust.	McKamy.
Griggs.	Stone.
Hale.	Willacy.
Hanger.	

Nays—10.

Brachfield.	Meachum.
Glasscock.	Smith.
Hawkins.	Stafford.
Looney.	Stokes.
Martin.	Terrell.

Absent.

Beaty.	Paulus.
Grinnan.	Skinner.
Hill.	

Absent—Excused.

Faulk.

Senator Decker moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 167—PASSAGE OF.

On motion of Senator Hale the pending order of business, House bill No. 67, was suspended, and the Senate took up, out of its order, Senate bill No. 167.

The Chair laid before the Senate, on second reading,

Senate bill No. 167, a bill to be entitled "An Act to amend Article 1383, Chapter 19, Title XXX, of the Revised Civil Statutes, pertaining to appeals and writs of error."

On motion of Senator Hale the committee report was adopted.

Bill read second time and ordered engrossed.

On motion of Senator Hale the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Brachfield.	Hicks.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Stafford.
Griggs.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harper.	Willacy.

Nays—2.

Hawkins.	Smith.
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Absent.

Barrett.	Hill.
Beaty.	Martin.
Grinnan.	Paulus.
Harbison.	Skinner.

Absent—Excused.

Faulk.

The bill was read third time and passed by the following vote:

Yeas—21.

Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Smith.
Glasscock.	Stafford.
Griggs.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hicks.	

Nays—1.

Hawkins.

Absent.

Barrett.	Hill.
Beaty.	Martin.
Grinnan.	Paulus.
Harbison.	Skinner.

Absent—Excused.

Faulk.

Senator Hale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Looney the Senate, at 1:15 o'clock p. m., adjourned till tomorrow morning at 10 o'clock a. m.

APPENDIX.

EDUCATIONAL AFFAIRS.

Committee Room.

Austin, Texas, Feb. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 76, a bill to be entitled "An Act to amend Article 3993b of the Revised Statutes of 1895, so as to provide that the children of members of either branch of the Texas Legislature who reside with their families in the Capital City for the purpose of being in attendance upon any session of the Legislature, shall be considered to reside in such city for school purposes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MARTIN, Acting Chairman.

STATE AFFAIRS.

Committee Room.

Austin, Texas, Feb. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 182, a bill to be entitled "An Act to provide for the classification, sale and lease of the public free school and asylum lands, and to prevent the unlawful enclosure, use and occupancy of the same, and to repeal Chapter 12, 'A' of the Revised Civil Statutes, and the Act of May, 1897, Chapter 129, of the Twenty-fifth Legislature, and Sections 5, 6, 7 and 8, Chapter 11, Act February 23, 1900, of the first called session of the Twenty-sixth Legislature, and the Act of April 15, 1901, Chapter 88, Twenty-seventh Legislature, and the Act of April 13, 1901, Chapter 125, Twenty-seventh Legislature, and to repeal all other laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that two hundred copies of same be printed.

HOLLAND, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir. Your Committee on State Affairs, to whom was referred

Senate bill No. 209, a bill to be entitled "An Act to authorize the creation and to provide for the operation of a State Board of Arbitration for the settlement of differences between employers and their employees, and to adjust industrial disputes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLLAND, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir. Your Committee on State Affairs, to whom was referred

Senate bill No. 187, a bill to be entitled "An Act to provide for working short-term convicts on the public roads and other public works of the counties of the State,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLLAND, Chairman.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, March 1, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty. Hill.

Absent—Excused.

Faulk.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Harper the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Glasscock:
To the Senate of the State of Texas.

Gentlemen: We, citizens of Burnet, Burnet county, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give the people relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

Numerously signed.

By Senator Stone:

Waco, Texas, Feb. 28, 1905.
Hon. Thos. P. Stone, Austin, Texas.

Dear Sir: We take the liberty of directing your attention to House bill No. 67, which has passed the House of Representatives and is now come up in the Senate.

This is a bill to prevent the fraudulent disposition of mortgaged property absolutely, which is not the case under the present law. It can work no hardship on an honest purchaser of goods and will not be a benefit to the dealer alone but also to the honest man who needs long time on his purchases, for with the proposed law in force the furniture dealer, the implement dealer and all who sell on long time may do so safely and sell to anybody.

A glance at the bill will show that the interests of all are subserved and we hope you will consent to take up the bill and urge its speedy passage.

Very respectfully yours,

Numerously signed.

By Senator Skinner:

To the Members of the Senate of the State of Texas.

Gentlemen: We, citizens of Ennis, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give the people relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

G. W. Sexton, Presbyterian minister.

R. T. Phillip, pastor of Cumberland Presbyterian Church, representing a membership of 150.

C. M. Baner, superintendent of C. P. S. S.

L. L. Sams, pastor First Baptist Church, representing a membership of 340.

R. D. Schults, pastor Christian Church, 300 members.

J. D. Burr, superintendent of First Baptist Church S. S.